

Notice of Allowability

Application No.

09/621,527

Examiner

Michael W. Hoye

Applicant(s)

INAGUMA ET AL.

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed on 8/23/04.
2. ☒ The allowed claim(s) is/are 1 and 3-24.
3. ☒ The drawings filed on 21 July 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/507,712.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1 and 3-24 are allowed.
2. The following is an examiner's statement of reasons for allowance:

As to independent claims 1, 4, 8, 19 and 22, the prior art, alone or in combination does not teach or disclose an in-building CATV system...wherein the in-building CATV system comprises the claimed, "said reference signal generating means and said reference signal transmission means are provided in said down-converter", and the claimed, "frequency of the reference signal transmitted to said transmission line by said reference signal transmission means is set to a frequency lower than that of any of various transmission signals flowing upward and downward through said transmission line."

As to the most pertinent prior art of record, the Langston et al reference (USPN 6,212,397) discloses a method and system for controlling remote multipoint stations, which utilizes "pilot signals", that are used as reference signals and are broadcast from a base station to synchronize the frequency of the local oscillators (67 & 70) of the "down-converter" or receive section (53) and the "up-converter" or transmit section (54) as used with a point-to-multipoint broadcast system such as an in-building CATV system (see Abstract; col. 1, lines 32-43; col. 4, lines 58 – col. 5, line 62). However, the Langston et al reference does not teach or fairly suggest a reference signal generator and transmission means that are located within the in-building CATV system, and that the reference signal generating means and said reference signal transmission means are provided in said down-converter, or that the frequency of the reference signal transmitted to said transmission line by said reference signal transmission means is set to a

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frequency lower than that of any of various transmission signals flowing upward and downward through said transmission line.

The Kumagai et al reference (USPN 5,548,811) discloses a “first” and “second reference signal generation means” (10) such that when a pilot signal is not detected (40) a locally generated reference (20) is automatically utilized via the reference signal switching “selection means” (16) (see Figs. 5-6; col. 4, line 53 – col. 5, line 46 and col. 6, lines 1-15). However, the Kumagai et al reference does not teach or fairly suggest that the reference signal generating means and said reference signal transmission means are provided in said down-converter, or that the frequency of the reference signal transmitted to said transmission line by said reference signal transmission means is set to a frequency lower than that of any of various transmission signals flowing upward and downward through said transmission line. In the applicants’ invention the features as described above are specifically disclosed in claims 1, 4, 8, 19 and 22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

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Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop ____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:


U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop ____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoyer
January 5, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600